

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IRWIN FRANCHISE CAPITAL CORPORATION, X

Plaintiff,

v.

WINDRAM ENTERPRISES, INC.,

Defendant. X

**AFFIDAVIT OF
MONA M. PELLECCCHIA**

Civil Action No.: 07 CIV 3785
(Hon. William C. Conner)

MONA M. PELLECCCHIA, being duly sworn, deposes and says:

1. I am a legal secretary employed by Mackiewicz & Associates, L.L.C., counsel for Defendant and as such am fully familiar with the facts and circumstances of the above referenced matter. This Affidavit, which is based upon personal knowledge, is respectfully submitted to set forth service of the following pleadings.

2. On October 19, 2007, I served the Notice of Cross Motion, Affidavit of Richard W. Mackiewicz, Jr., Esq., and this Affidavit as follows:

Copy Via UPS Overnight and E mail

Joseph N. Paykin, Esq.
Paykin & Krieg LLP
185 Madison Avenue, 10th Floor
New York, New York 10016

3. On October 19, 2007, I served the Notice of Cross Motion, Affidavit of Richard W. Mackiewicz, Jr., Esq., and this Affidavit as follows:

Original and copy via UPS Overnight and Copy via E mail

United States District Court Clerk
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

4. On October 19, 2007, I served the Notice of Cross Motion, Affidavit of Richard W. Mackiewicz, Jr., Esq., and this Affidavit as follows:

Courtesy copy via UPS Overnight

Hon. William C. Conner
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150


MONA M. PELLECCCHIA

Signed and sworn to before
me this 19th day of October 2007



CHRISTINA MARIE FLANAGAN
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 3/10/2009